

REGULAR CITY COUNCIL MEETING

DECEMBER 30, 1985

PRESENT

Grant S. Nielson
Craig Greathouse
Don Dafoe
Ruth Hansen
Neil Dutson
Gayle Bunker

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan
Dorothy Jeffery
Warren Peterson
Richard K. Turner
Greg Nielson
Harvy Ross
Bryce Ashby
George Van
Michael Van
Elwin Johnson
Russell Greathouse
Alan Riding
Kristi Southern
Roger Young

City Manager
City Recorder
City Attorney
Richard K. Turner, CPA
Richard K. Turner, CPA

Delta City Fire Chief
City Resident
City Resident
Delta Valley Farms
Chrysler Dealership
Assistant Public Works Director
Provo Daily Herald
Chief of Police

Mayor Grant Nielson called the meeting to order at 7:00 p.m. Dorothy Jeffery, Delta City Recorder, acted as secretary. Mayor Nielson stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Craig Greathouse MOVED that the accounts payable be approved for payment as listed in the amount of \$2,316.97. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson asked if there were any further questions or comments regarding the accounts payable. There being none, he called for a vote. The motion passed unanimously.

RICHARD K. TURNER, CPA: ACCEPTANCE OF AUDIT REPORT FOR YEAR ENDED JUNE 30, 1985

Mayor Nielson asked the Council if there were any comments or questions regarding the Audit Report for year ended June 30, 1985.

Following a brief discussion of the Audit Report, Council Member Don Dafoe MOVED that the Audit Report for year ended June 30, 1985, be approved as presented. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson asked if there were any further comments or questions regarding the audit report or the motion. There being none, he called for a vote. The motion passed unanimously.

HARVY ROSS: CONSIDERATION OF CLASS B BEER/TAVERN LICENSE FOR STOCKMANS LOUNGE

Mayor Nielson asked Harvy Ross to address the Council regarding his application for a Class B Beer/Tavern License for Stockmans Lounge.

Harvy Ross presented an unsigned copy of the Lease Agreement for the Stockmans Lounge and said that the signed original has been sent by Federal Express from Don Daly in Arizona to his attorney, Don Peterson, in Provo, Utah.

Attorney Warren Peterson said that if Delta Gas is the owner of the Stockmans Lounge, the proper paperwork should be provided to show that Delta Gas does have the right to enter into a lease agreement with Harvy Ross and that Mr. Ross is the lessee.

Following further discussion, Council Member Gayle Bunker MOVED to approve a Class B Beer/Tavern License for Harvy Ross for the Stockmans Lounge on the condition that the Lease Agreement be signed and that a copy of the signed agreement and that proof of title be provided that Delta Gas is the record title holder and that it has entered into a lease agreement with Mr. Ross. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any further questions regarding the motion. There being none, he called for a roll call vote, which was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Ruth Hansen	Yes
Council Member Gayle Bunker	Yes
Council Member Neil Dutson	Yes

The motion passed unanimously.

Mayor Nielson recommended to Mr. Ross that he try to complete all the necessary paperwork by December 31, 1985, and, if the signed contract is delivered, Mr. Ross can then open the Stockmans Lounge for business on January 1, 1986.

ATTORNEY WARREN PETERSON: CONSIDERATION OF AIRPORT ANNEXATION

Mayor Nielson asked Attorney Warren Peterson to review with the Council the proposed Airport Annexation.

Attorney Warren Peterson said that he is still in the process of compiling some of the information that the Council has requested regarding the proposed Airport Annexation. Mr. Peterson recommended the annexation ordinance be tabled until there is additional information available for the Council regarding the Airport Annexation.

Following a brief discussion, Council Member Don Dafoe MOVED to table the Airport Annexation. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Attorney Peterson said that there has been an effort by the City to contact all the land owners in the Airport Annexation Area to get them to indicate whether they want to participate in the annexation. Mr. Peterson said this effort has brought out questions as to the kind of tax increase there will be and the detriments and/or benefits the landowners may see. In answering those questions, Mr. Peterson said that he has relied on the prospect for development in the airport annexation area and the tax assessment rolls for the last year, the present City Mill Levy to estimate the tax impact on the lands that will be annexed. Mr. Peterson also said that there has been false information given to the landowners and he requested that the Council inform the landowners that the assessed value information concerning their property is available and will be made available to them.

Council Member Ruth Hansen asked about the Park Impact Fee. Attorney Peterson said that at the present time there is no ordinance imposing a Park Impact Fee, but the proposed ordinance provides that the Park Impact Fee be deferred until the time of residential development and that it be assessed on a per residential unit basis at the time a building permit is purchased.

George Van addressed the Council and said that he has contacted several of the property owners in the proposed Airport Annexation area. Mr. Van said that Mr. Peterson, Mr. Richard Waddingham and Jim Allan had contacted Elwin Johnson at Delta Valley Farms and Mr. Johnson had signed a petition for annexation. Mr. Van asked Attorney Peterson to explain why Mr. Johnson signed the contract and what Mr. Johnson had to say about it.

Mr. Peterson noted that Elwin Johnson was present and could speak for himself. Mr. Johnson indicated that Mr. Peterson should respond to the questions raised. Mr. Peterson said that consideration was given whether the annexation would provide economic benefit to Delta Valley Farms. Mr. Peterson said that there were several factors that were taken into account:

1. The availability of services to Delta Valley Farms.
2. The suitability of the City's service delivery systems (water and sewer) to Delta Valley Farms.
3. Whether Delta Valley Farms' wells could benefit the City.

Mr. Peterson said that in discussion with Mr. Johnson, Mr. Johnson said that he felt that there was something to be said for development and progress in the area, but basically the annexation was a business decision for him. Likewise, Mr. Peterson said that for the City it would be a business decision and the City Engineer proposed that it would be beneficial to the City to incorporate the Delta Valley Farms' wells into the City's system because of their location and especially because of their elevation. He also said that the possibility of extending the City's water line was discussed, because without extending the City's water lines, those wells would not be beneficial to the City.

Mr. Peterson said that the meeting with Mr. Johnson was to discuss the possibility of including his wells in the City system and the acquisition cost of those wells. Mr. Peterson also said that he indicated to Mr. Johnson that if the City bought the wells, it would have to be economically justified. Mr. Peterson further reported that Mr. Johnson asked that if the water lines are not extended, can the petition for annexation be withdrawn. Mr. Peterson said that after the annexation has occurred, the petition cannot be withdrawn. Mr. Peterson said that discussion was held whether an escrow could be established with funds from the Delta Valley Farms' property taxes for those funds to be used for Delta Valley Farms or their successors to file a disconnection lawsuit. He said the discussion included a request that if those water lines do not appear feasible within two years, then Delta Valley Farms would have the option of filing such a lawsuit.

Mr. Johnson said that Attorney Peterson had represented his discussion accurately and that he had no further comment.

George Van said that he feels that all the landowners in the proposed airport annexation should have been contacted and a meeting held giving everyone a chance to voice their opinions. Mayor Nielson reminded Mr. Van that a Public Hearing had been held on December 17, 1985.

Attorney Peterson said that all the local landowners have been contacted regarding the annexation, but there is difficulty in contacting the landowners who live outside the Delta area.

Mike Van said that he and George Van had gone around to many of the property owners and talked to them regarding the annexation and said that landowners had been given information that their taxes would be raised between 8.5 and 10 percent. Mr. Van asked Attorney Peterson what percent his taxes would be raised if his property is annexed. Mr. Peterson said that he and others representing the City have told landowners what the present City Mill Levy is and what their present assessed valuation is according to the last 1985 assessment roll and by giving that figure, an estimate could be given as to what the landowners taxes would be.

ATTORNEY WARREN PETERSON: DECISION ON SETTLEMENT OF THE MORLEY WELL

Mayor Nielson asked Attorney Warren Peterson to review with the Council the decision on the settlement of the Morley Well.

Attorney Warren Peterson reviewed in detail with the Council proposed resolution entitled:

RESOLUTION NO. 85-143

A RESOLUTION AUTHORIZING SETTLEMENT OF CIVIL LITIGATION ENTITLED DELTA CITY, ET AL, PLAINTIFF VS. DEE C. HANSEN, UTAH STATE ENGINEER, ET AL AND AUTHORIZING ACCEPTANCE OF A DEED DEDICATING WATER RIGHTS FROM TRUSTEES OF THE L. DERRAL CHRISTENSEN FAMILY TRUST.

Following further discussion of the resolution, Council Member Gayle Bunker MOVED to adopt Resolution No. 85-143. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the resolution. There being none, he called for a roll call vote, which was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Abstained
Council Member Gayle Bunker	Yes

Council Member Neil Dutson stated that he abstained from voting due to conflict of interest. Mayor Nielson then signed the resolution and it was attested by Delta City Recorder Dorothy Jeffery.

CITY MANAGER JIM ALLAN: CONSIDERATION AND DECISION TO EXTEND THE TEN-INCH WATER LINE ALONG SR-6

Mayor Nielson asked City Manager Jim Allan to discuss with the Council the proposition to extend a ten-inch water line along SR-6.

Jim Allan said that Russell Greathouse had talked with Public Works Director Neil Forster concerning the extension of the ten-inch water line and his participation in the cost of the extension.

Mr. Forster had suggested that a 6-inch line be run up to Russell Greathouse's property costing approximately \$17,500.00, with the City paying the difference between the 6-inch line and a ten-inch line. The cost difference was estimated to be \$10,000.00. Mr. Allan said that since the last meeting in which this was discussed, Mr. Greathouse has reviewed different options for funding.

A discussion was also held regarding application of the City's line lien ordinance to this line extension. Mr. Russell Greathouse addressed the

Council and said that he would pay the cost to install a six-inch water line to his property and requested that the City install the water line and upgrade the line to a ten-inch line.

Following further discussion, Council Member Neil Dutson MOVED that Delta City participate with Russell Greathouse on the extension of the water line. The City would pay the additional cost from a six-inch line to a ten-inch line, provide a backhoe, an operator, and one additional man to install the line, with Mr. Greathouse providing two men and agreeing to waive any lien on the line. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he called for a vote on the motion. The motion carried unanimously, with Council Member Craig Greathouse abstaining due to conflict of interest.

OTHER BUSINESS

Mayor Nielson asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Nielson stated that this was his last City Council Meeting as Mayor. He passed his gavel to Mayor-elect Ruth Hansen, then declared the meeting adjourned at 9:35 p.m.


GRANT S. NIELSON, Mayor

Attest:


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: January 13, 1986